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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,144	06/01/2001	Erik K. Jurvis	25039A	3286

22889 7590 01/14/2003

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/873,144

Applicant(s)
Erik K. Jurvis et al.

Examiner
YVONNE M. HORTON

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3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 5, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, and 15-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, and 15-17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Objections

2. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 16 remains dependent upon claim 14; however, claim 14 was canceled as per the amendment dated 10/30/02. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Until further clarification or correction, claim 16 has been examined as being dependent upon claim 11.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4,6-13,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,265,390 to TANNER. Regarding claim 1 and 11, TANNER discloses a component (16) for receiving a plurality of siding strips (14) including an elongated body having first and

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second receivers (28) projecting “substantially” 180 degrees on opposing sides of the body receiving a portion (30) of the siding members (14); and an outwardly bowed portion (B), see the marked attachment. The first and second receivers (28) are U-shaped (colored red) having a first wall (colored green) that partially covers the end of the siding (14), see also the marked attachment. In reference to claim 2, the rear wall of the component (16) about the first and second receivers (28) can serve as a fastener receiving portion (F), see the attachment. Regarding claim 3, the bowed portion (B) appears to be integral with the receivers. However, the applicant is reminded that “integral” is not restricted to a one-piece article. Even if not structurally integral, but rigidly secured, a device is considered “integral” in the functional sense. In reference to claim 4, the component is formed from logs and inherently includes “indicia” or marking to simulate an extended log. Regarding claim 6, the receiver includes an end wall (EW), see the marked attachment. In reference to claim 7, the end walls (EW) are substantially parallel and spaced apart. Regarding claim 8, the receivers (28) includes a first wall (colored green), an end wall (W); wherein the back wall of the component can serve as the fastener portion (F), see the marked-up attachment. In reference to claims 9 and 16, the first wall (FW) of the fastener receiving portion is connected to the outwardly bowed portion (B) of the siding (14); wherein the bowed portion (B) is formed from logs and inherently includes “indicia” or marking to simulate an extended log. Regarding claim 10, fastener receiving portion (F), which is the back wall of the component (16) is elongated relative to the first wall (colored green). In reference to claims 12 and 13, the siding members (14) are located both horizontally (colored blue) and vertically

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(colored orange) in the same plane. Regarding claim 15, the fastener portion (F) includes fasteners (FA).

5. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,265,390 to TANNER. TANNER discloses the method for installing a plurality of siding members (14) including the steps of vertically orienting an elongated component (16) having first and second receivers (28) projecting “substantially” 180 degrees on opposing sides of the body; inserting the first end of the plurality of siding members (14) into one of a first or second receiver (28); inserting a second end of the plurality of siding members (14) into one of a first or second receiver (16); and affixing the siding members to the wall (10) of a building.

Allowable Subject Matter

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the method of installing a plurality of siding strip on a wall with the use of a component including in combination an outwardly bowed portion and having first and second U-shaped receiving sections projecting “substantially” 180 degrees on opposing sides of the body; wherein the component is affixed to the wall of a building using fasteners.

TANNER is the closest prior art of record. However, the component of TANNER is used to

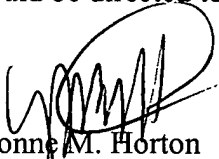
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form the wall itself. There is no need or provision for the wall of TANNER to be fastened to an additional wall.

Response to Arguments

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton
Patent Examiner
Art Unit 3635
January 13, 2003

